IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 36488 of 2004(R)

AGAINST THE ORDER DATED 10/08/2004 IN IA.NO.2091/2004 IN OS.494/1983 of ADDL.SUB COURT, PALAKKAD

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PETITIONERS:

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1. RADHAMMA, W/O.LATE SUBBARAMA SASTRIGAL, EASWARAPATTAR VILLAGE, KAVASSERI AMSOM, ALATHUR TALUK.

2. K.S.PARAMESWARAN, S/O. RADHAMMA, EASWARAPATTAR VILLAGE, KAVASSERI AMSOM, ALATHUR TALUK.

BY ADV. SRI.P.R.VENKETESH

RESPONDENTS:

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1. K.L. PARAMESWARAN @ K.L.KUMAR, S/O. K.P.LAKSHMINARAYANAN, `SHANTHA NILAYAM', INDRA NARAR, BANGALORE.

2. SIVARAMASUBRAMANIAN, EASWARAPATTAR VILLAGE, KAVASSERI AMSOM, ALATHUR.

3. LAKSHMI NARAYANAN, EASWARAPATTAR VILLAGE, KAVASSERI AMSOM, ALATHUR.

4. SREENIVASAN, EASWARAPATTAR VILLAGE, KAVASSERI AMSOM, ALATHUR TALUK.

5. RAJAMEENAKSHI, EASWARAPATTAR VILLAGE, KAVASSERI AMSOM, ALATHUR TALUK.

6. ANANTHALAKSHMI, EASWARAPATTAR VILLAGE, KAVASSERI AMSOM, ALATHUR TALUK.

7. RAJALAKSHMI,
EASWARAPATTAR VILLAGE, KAVASSERI AMSOM,
ALATHUR TALUK.

8. SWARNAM,
EASWARAPATTAR VILLAGE, KAVASSERI AMSOM,
ALATHUR TALUK.

9. BHAGYALAKSHMI,
EASWARAPATTAR VILLAGE, KAVASSERI AMSOM,
ALATHUR TALUK.

10. VIJAYALAKSHMI,
EASWARAPATTAR VILAGE, KAVASSERI AMSOM,
ALATHUR TALUK.

11. SEETHALAKSHMI,
EASWARAPATTAR VILLAGE, KAVASSERI AMSOM,
ALATHUR TALUK.

12. PARAMESWARAN,
EASWARAPATTAR VILLAGE, KAVASSERI AMSOM,
ALATHUR TALUK.

13. SWAYAMPRABHA,
EASWARAPATTAR VILLAGE, KAVASSERI AMSOM,
ALATHUR TALUK.

14. BALASUBRAMANIAN,
EASWARAPATTAR VILLAGE, KAVASSERI AMSOM,
ALATHUR TALUK.

15. KAVITHA,
EASWARAPATTAR VILLAGE, KAVASSERI AMSOM,
ALATHUR TALUK.

16. RAJEEV,
EASWARAPATTAR VILLAGE, KAVASSERI AMSOM,
ALATHUR TALUK.

BY ADV. SRI.A.P.CHANDRASEKHARAN (SR.)
SMT.PRABHA R.MENON
SRI.M.KRISHNAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 : TRUE COPY OF THE JUDGMENT IN AS NO.527/1989 DT.07.03.2003 PASSED BY THIS HON'BLE COURT.

EXT.P2 : TRUE COPY OF THE ORDER DT.27.03.03 IN RP NO.236/03 PASSED BY THIS HON'BLE COURT.

EXT.P3 : TRUE COPY OF THE AFFIDAVIT IN SUPPORT OF IA NO.2091/04 DT.28.06.04 IN OS NO.494/83 FILED BEFORE THE COURT OF SUBORDINATE JUDGE, PALAKKAD.

EXT.P4 : TRUE COPY OF THE ORDER DT.10.08.04 IN IA NO.2091/04 IN OS NO.494/83 PASSED BY THE COURT OF SUBORDINATE JUDGE, PALAKKAD.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 36488 OF 2004

Dated this the 22nd day of June, 2007

JUDGMENT

Ext.P4 order by which the trial court allowed an amendment of plaint is under challenge. Mr.Chandrasekharan, learned counsel for the respondents is certainly right in his submission that Ext.P4 is a cryptic order. But having considered the original plaint and also the submissions addressed at the Bar, I am of the view that no prejudice will be caused to the petitioners by the amendment allowed. The learned Sub Judge could have passed a more reasoned order, considering the contentions and materials. But, at any rate, the dismissal of the amendment application will not be justified. The impugned order, Ext.P4, will stand modified to the extent of providing that the order will become operative only if, the 1st respondent pays a sum of Rs.1,000/- by way of cost to the contesting respondents either directly or through their counsel appearing in this Court within three weeks from today. It is needless to say that the learned Sub Judge shall permit the defendants to file additional written statement on the amended plaint and formulate issue, if it is seen that additional contentions are raised.

The Writ Petition is disposed of as above. No costs.

PIUS C. KURIAKOSE, JUDGE

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